

1953

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Mar. 25

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CONCORD, N.H.

Honorable Norman A. McMeekin
Woodsville, New Hampshire

Dear Sir:

In a conference of this date you have pointed out that R.L. c. 44, s. 5, as amended by Laws 1945, c. 172 and by Laws 1951, c. 155, makes provision that small towns which are not entitled to representatives in the General Court in a given session may elect members to the County Convention; you inquire whether such members may sit and act in the County Delegation on matters which have been referred to the Delegation by the Legislature.

While your inquiry must necessarily involve the qualifications of members of the Legislature -- a matter which lies entirely with that body -- I may state as follows.

It is my understanding that a County Delegation is, in effect, a Committee of the Legislature. It is composed of those members of the General Court who are elected from the towns in the county; to it are referred matters pending in the Legislature which are local in nature, and which are of particular interest to the particular county to the Delegation of which it is referred. The Delegation is, then, a legislative organ, dealing with matters that are properly before the General Court; while the matters upon which it deliberates may be of peculiar concern to only one county, yet it does so as a part of the process of creating statute law.

To be sharply distinguished is the County Convention. This group is charged with the conducting of the affairs of the county, as such. Its powers are expressly enumerated in R.L. c. 44. See, e.g., ss. 6, 8, 9, 12. The cited sections, it will be seen, treat of the corporate affairs of the county, as the raising of taxes for the use of the county and the making of appropriations for the authorized purposes of the county, to name a few. The doings of the Convention bind only the county; the Convention does not participate in the making of the laws of the State.

Honorable Norman A. McMeekin

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Prior to the enactment of Laws 1951, c. 155 in 1951, the County Convention consisted "of the representatives of the towns in the county", R. L. c. 44, s. 5, the term "representative" referring to the representative in the General Court. See Act of June 12, 1801, volume 7, Laws of New Hampshire, Second Constitutional Period 23. The 1951 statute, probably in recognition of the fact that certain towns are not entitled to representatives in the General Court at every session and are therefore without voice in county affairs during such sessions, enlarged the membership of the County Convention to include, in addition to the representatives of the towns in the county, "one member from each town which shall not then have a representative." Such members of the Convention have all the powers and duties of the other members of the Convention--but only in respect to matters which are before the Convention. But membership in the County Convention does not make one automatically a member of the County Delegation. The fact that certain meetings of the County Convention must, by statute, be held in Concord at the State House and at a time bearing a relationship to the time when the General Court is in session, see R.L. c. 44, ss. 5, 20 and 20-a, has no bearing upon the question. The time and place of the meetings was undoubtedly fixed with reference to the original membership of the Convention, that is, the "representatives of the towns in the county". R. L. c. 44, s. 5, supra.

You will recognize that this opinion is not inconsistent with the views which I expressed in my letter of January 7, 1953 to Honorable Phillip Willey.

Very truly yours,

John N. Nassikas
Deputy Attorney General

Copy to Representative Brungot
" " Representative Willey

